

27106. Misbranding of butter. U. S. v. 2 Cases of Butter. Default decree of condemnation. Product ordered delivered to a charitable institution.
(F. & D. no. 39103. Sample no. 19439-C.)

This case involved butter that was falsely labeled as to weight.

On January 9, 1937, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of two cases of butter at Greeley, Colo., consigned by Miller's Cloverleaf Dairy, alleging that the article had been shipped in interstate commerce, on or about January 2, 1937, from McCook, Nebr., and charging misbranding in violation of the Food and Drugs Act as amended. It was labeled in part: "Surely Good Fancy Creamery Butter One Pound Net Four Cubes Packed Especially for Security Stores."

The article was alleged to be misbranded in that it was labeled "One Pound Net", which was false and misleading as the package contained less than said quantity; and in that it was food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the package since the quantity stated thereon was not correct.

On March 2, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be delivered to a charitable institution.

W. R. GREGG, *Acting Secretary of Agriculture.*

27107. Adulteration and misbranding of potatoes. U. S. v. 360 Sacks of Potatoes. Consent decree of condemnation. Product released under bond subject to relabeling. (F. & D. no. 39105. Sample no. 33521-C.)

This product fell below the grade indicated on the label.

On February 18, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 360 sacks of potatoes at Chicago, Ill., alleging that they had been shipped in interstate commerce on or about February 12, 1937, by V. W. Anthony from Weyauwega, Wis., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Tag) "U. S. No. 1 Potatoes V. W. Anthony, Weyauwega, Wisc."

It was alleged to be adulterated in that potatoes below U. S. Grade No. 1 had been substituted wholly or in part for Grade No. 1 potatoes, which the article purported to be.

The article was alleged to be misbranded in that the statement "U. S. No. 1" borne on the tag was false and misleading and tended to deceive and mislead the purchaser when applied to potatoes that were below U. S. Grade No. 1.

On March 8, 1937, Weyauwega Union, claimant, having admitted the allegations of the libel and having consented to a decree, judgment of condemnation was entered and it was ordered that the product be released under bond subject to relabeling.

W. R. GREGG, *Acting Secretary of Agriculture.*

27108. Adulteration of canned blackberries. U. S. v. 52 Cartons of Canned Blackberries. Default decree of condemnation and destruction.
(F. & D. no. 39117. Sample no. 32643-C.)

These canned blackberries were in part moldy.

On February 22, 1937, the United States attorney for the District of Idaho, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 52 cartons of canned blackberries at Boise, Idaho, alleging that they had been shipped in interstate commerce on or about November 2, 1936, by the G. P. Halferty Co., from Seattle, Wash., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Tastefull Brand Water Pack Blackberries Packed by National Fruit Canning Co., Seattle."

It was alleged to be adulterated in that it consisted wholly or in part of a filthy, decomposed, or putrid vegetable substance, namely, moldy blackberries.

On March 30, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*